

## **REMARKS**

The Office Action mailed January 28, 2004 has been received and carefully considered. Claims 1-8, 17-34, and 36-44 are currently pending, of which claims 1-8, 27-34, and 40-44 are withdrawn.

The Office Action Summary states that claims 17-26 and 36-39 stand rejected, although the Office Action states that claims 27-35 and 40 are rejected. *See* Office Action at pg. 3.

Applicant thanks Examiner Azpuru for his telephone call on February 13, 2004 to the Examiner's undersigned representative clarifying this discrepancy and stating that the Office Action contained a typographical error. The Examiner indicated that the claims examined and rejected by the Examiner were claims 17-26 and 36-39 as reflected on the Office Action Summary and as elected by the Applicant in the Response to Restriction filed October 27, 2003 in which the claims of Group II (claims 17-26 and 36-39) were elected with traverse.

### **I. Amendments to the Claims.**

Claim 17 has been amended to state that the claimed method is directed to treating arthritis and symptoms associated therewith. Other amendments have been made to put the claims in better form. Support for all of the amendments is found throughout the specification as originally filed and no new matter is presented.

### **II. Restriction Requirement.**

Applicant acknowledges that in the Office Action, the Examiner made final the restriction requirement mailed September 25, 2003. *See* Office Action at pg. 2. The Examiner states that claims 1-8, 27-35, and 41-44 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b). *See Id.* Applicant continues to traverse the requirement and reserves the right

to file one or more divisional applications to the withdrawn claims and any other subject matter disclosed or claimed in the Application as filed. Applicant also reserves the right to later rejoin withdrawn claims in accordance with M.P.E.P. § 821.04.

**III. Rejection under 35 U.S.C. § 112, first paragraph.**

Claims 17-26 and 36-39 stand rejected under 35 U.S.C. § 112, first paragraph as assertedly failing to comply with the enablement requirement. Specifically, the Examiner has stated that there is “nothing in the specification [that] would lead the ordinary practitioner to understand how the polyacrylamide hydrogel prevents the disease process known as arthritis.” The Applicant has amended the claims to recite “[a] method of treating arthritis, symptoms associated therewith, or arthritis and symptoms associated therewith.”

Accordingly, Applicant believes that he has addressed the Examiner’s concerns and the rejections under 35 U.S.C. § 112, first paragraph and Applicant respectfully submits that the rejections should be withdrawn. As the claim amendments have obviated the only ground of rejection, Applicant respectfully requests that the Application be allowed and passed to issuance.

**CONCLUSION**

For at least the reasons stated above, claims 17-26 and 36-39 are in condition for allowance. Accordingly, Applicant respectfully requests that upon entry of the preceding amendments, the Application be allowed and passed to issue.

In the event any outstanding issues remain, Applicant would appreciate the courtesy of a telephone call to Applicant's undersigned representative to resolve such issues in an expeditious manner.

The Commissioner is authorized to charge \$110.00 for the one month extension of time in which to file this response and any additional fees that are determined to be due to the undersigned's Deposit Account No. 50-0206.

Date: May 28, 2004

Respectfully submitted,

By: 

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